

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

MATTHEW JOHNSON,

Petitioner,

vs.

SUPERINTENDENT,

Respondent.

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Cause No. 4:16-CV-050-JD-PRC

OPINION AND ORDER

Matthew Johnson, a *pro se* prisoner, filed a habeas corpus petition challenging a prison disciplinary hearing (MCF-16-02-204), where a Miami Correctional Facility Disciplinary Hearing Officer (“DHO”) found him guilty of Abusive Sexual Contact with a Visitor, in violation of B-205. (DE 1.) Johnson was sanctioned with a written reprimand, a change of housing assignment, thirty (30) days lost phone and commissary privileges, a thirty (30) day deprivation of earned credit time, and a demotion in credit class. (Id.)

After he filed this petition, the Indiana Department of Correction (“IDOC”) reconsidered this case and reduced the charge to Refusing an Order, in violation of C-347. (DE 7-6.) With the reduction in charge, the IDOC also reversed the loss of earned credit time and demotion in credit class. (Id.) The lost time from both sanctions were returned to Johnson. (Id.) Based on the IDOC’s recent action, the respondent now moves to dismiss the petition as moot. (DE 7.) As the respondent points out, because the remaining sanctions do not affect the term of Johnson’s custody, there is at present nothing for this court to review. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

Johnson was afforded to December 12, 2016, in which to respond to the motion. (See DE 9.) He has not responded. Nevertheless, he has succeeded here as the imposed sanctions that resulted in lengthening the duration of his confinement have been reversed and the lost time has been restored. Thus, this case must be dismissed because there is no case or controversy to adjudicate. *Id.* Accordingly, the petition will be dismissed.

For these reasons, the motion to dismiss (DE 7) is **GRANTED**, the petition (DE 1) is **DISMISSED WITHOUT PREJUDICE** and the clerk is **DIRECTED** to close this case.

SO ORDERED.

ENTERED: January 3, 2017

/s/ JON E. DEGUILIO
Judge
United States District Court